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Friday
August 1, 1980

Part VII

Department of the Treasury

Customs Service and Bureau of Alcohol, Tobacco and Firearms

Improving Government Regulations; Semiannual Agenda

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Executive Order 12044, "Improving Government Regulations," and the Treasury Department directive implementing that Executive Order, Customs has prepared and is publishing for public information a list of significant regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory project described in the agenda, communicate with the person identified as the "Contact." Comments or inquiries of a general nature should be directed to: Todd J. Schneider, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION:

Background

On November 8, 1978, the Department of the Treasury published a report in the **Federal Register** (43 FR 52120) to implement EO 12044. The report included a directive that each Treasury bureau or office shall publish a semiannual agenda of significant regulations either under development or under review. The agenda is to describe each regulatory project ("project") being considered, the need for and legal basis for the action being taken, the name and telephone number of a knowledgeable agency official, and whether a regulatory analysis will be prepared. In addition, subsequent agendas will show the status of projects referred to in the previously published agenda. A notice published in the preliminary pages of the **Federal Register** on October 10, 1978 (43 FR xii), provides that Customs will publish its semiannual agenda on February 1 and August 1 of each year.

The following is the fourth semiannual agenda to be published by Customs. It has been determined that only one of the projects listed, that designated "Entry of merchandise/Parts 24, 141, 142, 144," will require a regulatory analysis under the criteria set out in the Executive Order and implementing Treasury directive. However, that project remains under study and a draft regulatory analysis will not be available to the public unless it is determined to proceed with the project and a notice of proposed rulemaking is published in the **Federal Register.**

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). When appropriate, specific statutory authority is indicated after the description of each project.

In accordance with the Treasury directive implementing EO 12044, no action, other than preliminary studies, may be taken on any project commenced after May 22, 1978, without Secretarial approval of a "work plan." work on many of the described projects commenced before May 22, 1978, and, therefore, no work plan will be prepared. For these projects, and others which are in an early stage of preparation, no work plans are available to the public. However, projects which either have had work plans approved or are the subject of documents published in the **Federal Register** (FR) as an advance notice of proposed rulemaking (ANPRM), a notice of proposed rulemaking (NPRM), or a final rule—Treasury Decision (T.D.), are identified by work plan number or **Federal Register** citation. Approved work plans are available to the public under the provisions of the Freedom of Information Act, as amended (5 U.S.C. 552), and Part 103, Customs Regulations (19 CFR Part 103). Requests should be addressed to the Freedom of Information and Privacy Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2325, Washington, D.C.20229.

By direction of the Secretary of the Treasury.

Dated: June 23, 1980.

R. E. Chasen,

Commissioner of Customs.

Part I—*Regulations Under Development*

Title/Citation (19 CFR—)	Summary
Public gaugers-Petroleum/Parts 4 and 151	*Description:* Ensure maintenance of reliable statistics by implementing standardized guidelines and procedures for monitoring imports of petroleum and petroleum products. *Need:* Implement recommendations of Customs Petroleum Task Force. *Authority:* 19 U.S.C. 1202. *Contact:* Alice Rigdon (202-566-5354). *Status:* Work Plan 79-27 approved; NPRM published December 21, 1979 (44 FR 75684); T.D. 80-142 published May 30, 1980 (45 FR 36376).
Vessels; foreign repairs/§§ 4.7 and 4.14	*Description:* Revision of requirements and procedures for handling entries relating to foreign repairs and equipment purchases by U.S. vessels. *Need:* To expedite processing of entries. *Authority:* 19 U.S.C. 1466, 1498, 1514. *Contact:* James Fritz (202-566-5706). *Status:* NPRM published April 4, 1978 (43 FR 14060); T.D. under development.
Air commerce/Parts 6, 10, and others	*Description:* Establish new rules for (1) duty-free trade in civil aircraft and parts for civil aircraft, and (2) dutiability of foreign repairs to, and foreign purchases of parts and materials for, U.S.-registered civil aircraft. *Need:* To implement Title VI, Civil Aircraft Agreement, of Pub. L. 96-39, "Trade Agreements Act of 1979." *Authority:* General. *Contact:* John Mathis (202-566-5706). *Status:* Work Plan 79-30 approved; NPRM published January 8, 1980 (45 FR 1633); T.D. under development.
Air commerce/§§ 6.3 and 6.8	*Description:* Simplification and clarification of aircraft clearance procedures. *Need:* To facilitate clearance of aircraft departing U.S. *Authority:* 49 U.S.C. 1509. *Contact:* John Mathis (202-566-5706). *Status:* Work Plan 79-6 approved; T.D. under development.
Petroleum/Part 10	*Description:* Regulation of petroleum exports from Canada. *Need:* Conforming amendment required by Pub. L. 95-159. *Authority:* General. *Contact:* G. Scott Shreve (202-566-8121). *Status:* T. D. under development.
Endangered species-Antiques/Parts 10 and 12	*Description:* Provide for Importation of specified antique articles otherwise prohibited entry by Endangered Species Act of 1973 at designated ports of entry. *Need:* Implement provisions of Pub. L. 95-632, "Endangered Species Act Amendments of 1978". *Authority:* 19 U.S.C. 1202. *Contact:* Harrison Feese (202-566-8651). *Status:* Work Plan 79-28 approved; NPRM under joint development by Customs and Fish and Wildlife Service.
Conforming amendments/Parts 10, 12, and others	*Description:* Conform regulations to provisions of various titles of Pub. L. 96-39, "Trade Agreements Act of 1979." *Need:* Miscellaneous amendments required by the Trade Agreements Act of 1979. *Authority:* General.

Part I—*Regulations Under Development—Continued*

Title/Citation (19 CFR—)	Summary
	Contact: Benjamin Mahoney (202-566-5765).
	Status: Work Plan 79-31 in review at Treasury Department; T.D. under development.
Carnets (E.C.S./A.T.A.)/Parts 10 and 114	*Description:* Substitute use of A.T.A. carnet for E.C.S. carnet in relation to the entry of commercial samples.
	Need: United States withdrawal from Customs Convention on E.C.S. carnets (TIAS 6632) and accession to the Convention on A.T.A. Carnets (TIAS 6631).
	Authority: General.
	Contact: Jerrald Worley (202-566-8551).
	Status: T.D. under development.
Entry of noise-emitting merchandise; standards and labeling/ Part 12.	*Description:* Regulations to administer the EPA noise emission standard and labeling requirements on certain imported merchandise.
	Need: To implement provision of Pub. L. 92-572, "Noise Control Act of 1972".
	Authority: General.
	Contact: Harrison Feese (202-566-8651).
	Status: NPRM under joint development by Customs and EPA.
Importation of motor vehicles/§ 12.73	*Description:* Conform regulations governing importation of motor vehicles under Clean Air Act to proposed EPA amendments on Federal emission standards.
	Need: To implement provisions of "Clean Air Act of 1955" as amended by Pub. L. 95-95.
	Authority: 19 U.S.C. 1484.
	Contact: Harrison Feese (202-566-8651).
	Status: NPRM published in Federal Register on July 21, 1980 (45 F.R. 48817).
Entry of electronic products/§§ 12.90 and 12.91	*Description:* Implement FTC labeling requirements for certain imported electronic products.
	Need: Required by provisions of Pub. L. 93-523, "Public Health Service Act".
	Authority: General.
	Contact: Darrell Kast (202-566-5765).
	Status: NPRMs published September 5, 1975 (40 FR 41118) and July 27, 1976 (41 FR 31223); procedures under joint development by Customs and FTC.
Entry of energy-using products; labeling/§ 12.92	*Description:* Implement FTC labeling requirements for certain imported energy-using products.
	Need: Required by provisions of Pub. L. 94-163, "Energy Policy Conservation Act".
	Authority: General.
	Contact: Harrison Feese (202-566-8651).
	Status: NPRM under joint development by Customs and FTC.
In-bond transportation of merchandise/Parts 18, 123 and 144.	*Description:* Change time limits and other rules relating to in-bond transportation of merchandise.
	Need: To give Customs greater control over merchandise transported in bond.
	Authority: 19 U.S.C. 1552, 1553, 1557, 1623.
	Contact: J. Bradley Lund (202-566-5354).
	Status: NPRM published August 13, 1976 (41 FR 34271); T.D. under development.
Transportation in bond; short shipments/section 18.6	*Description:* Require entry, for statistical purposes, of merchandise at port of destination in event of nondelivery to Customs of entire shipment or one or more packages in shipment, even if merchandise not recovered intact.
	Need: Implement provision of Pub. L. 95-410, "Customs Procedural Reform and Simplification Act of 1978."
	Authority: 19 U.S.C. 1484, 1552, 1553.
	Contact: William Marchi (202-566-8235).
	Status: Work Plan in review in Customs.
Transportation in bond/§ 18.8	*Description:* Increase amount of liquidated damages required/by carrier's bond for shortage, failure to deliver or irregular delivery of duty-free merchandise. Carrier also would be liable for duty on dutiable merchandise, as well a liquidated damages.
	Need: To clarify carrier's obligations under required bond and provide for liquidated damages as deterrent to violations
	Authority: 19 U.S.C. 1551, 1623.
	Contact: William Rosoff (202-566-5856).
	Status: Work Plan 79-11 approved; NPRM under development.
Customs warehouses and container stations; fees/Parts 19 and 24.	*Description:* Increase fee accompanying application to establish bonded warehouse, require fee with application to alter existing bonded warehouse or to establish container station.
	Need: Recover costs of services from recipients directly receiving benefits beyond those accruing to general public.
	Authority: 31 U.S.C. 483a.
	Contact: John Holl (202-566-5354).
	Status: NPRM published in the FEDERAL REGISTER July 10, 1980 (45 FR 46442)
Drawback; identification of entries/Part 22	*Description* Require drawback entries be identified at time of entry.
	Need: To reduce delays in processing drawback claims.
	Authority: 19 U.S.C. 1313; 31 U.S.C. 483a.
	Contact: George Steuart (202-566-5761)
	Status: ANPRM under development.
Drawback; bulk-fungible goods/§ 22.5	*Description:* Allow drawback without actual use of bulk-fungible goods if substituted for goods of same kind/quality.
	Need: To extend to other articles privileges now applicable to petroleum products.
	Authority: General
	Contact: Donald Beach (202-566-5856).

Part I—*Regulations Under Development—Continued*

Title/Citation (19 CFR—)	Summary
	Status: Action on NPRM suspended pending economic analysis and study as to whether legislation is required.
Entry of merchandise/Parts 24, 141, 142, 144	*Description:* To reduce the 10-working day period during which estimated duties must be deposited after merchandise is released under an entry or a permit for immediate delivery. *Need:* To improve the Government's cash flow by earlier collection of duties. *Authority:* 19 U.S.C. 1484, 1505, 1557. *Contact:* Benjamin Mahoney (202-566-5765). *Status:* Possibility of accelerated duty payment remains under study; draft regulatory analysis being prepared; Work Plan in review at Treasury Department.
Customs accounting procedures, Bonds/Parts 24 and 113	*Description:* Charge interest on delinquent accounts of importers and others with Customs. *Need:* To encourage importers to pay Customs bills promptly and thereby improve cast flow. *Authority:* 19 U.S.C. 1623. *Contact:* Robert B. Hamilton (202-566-2598). *Status:* Work Plan 80-2 approved; NPRM under development.
Customhouse brokers/Part 111	*Description:* Amend regulations relating to responsibilities of customhouse brokers. *Need:* To clarify responsibilities of customhouse brokers and to ensure uniform compliance with applicable regulations. *Authority:* 19 U.S.C. 1641. *Contact:* Edward B. Gable, Jr. (202-566-7238). *Status:* Action on Work Plan 79-5 suspended pending review of related legislative proposals.
Carriers of bonded merchandise/§ 112.11	*Descriptionn:* Revise criteria for designating private carriers of bonded merchandise to require only that they file bonds and transport their own property. *Need:* To lessen restrictions of prior regulation. *Authority:* 19 U.S.C. 1551. *Contact:* Donald Beach (202-566-5856). *Status:* Work Plan 79-10 approved; NPRM under development.
Customs Bonds/Part 113	*Description:* Consolidation of Customs bonds and related forms. *Need:* To simply bond structure and language preparatory to expansion of AMPS program. *Authority:* 19 U.S.C. 1623. *Contact:* Joseph Goody (202-566-4434). *Status:* ANPRM under development.
Customs bonds, letter of credit/Part 113	*Description:* Authorize use of letter of credit in lieu of foreign-trade zone bond to guarantee payment of claims made by Customs against a foreign-trade zone operator. *Need:* To facilitate use of foreign-trade zones. *Authority:* 19 U.S.C. 81c, 1623. *Contact:* William Rosoff (202-566-5856). *Status:* NPRM under development (consolidated with "Trade fairs", § 147.45, below).
Contiguous countries, manifest discrepancies/§ 123.9	*Description:* Establish uniform procedures for handling manifest discrepancies of vehicles and certain vessels arriving from contiguous countries. *Need:* To facilitate entry of vessels and vehicles from Canada or Mexico. *Authority:* General. *Contact:* Donald Reusch (200-566-5706). *Status:* NPRM published July 28, 1978 (43 FR 32817); I.D. in review at Treasury Department.
Contiguous countries, railroad equipment/§ 123.12	*Description:* Admission of empty foreign railroad equipment without entry and payment of duty in certain instances. *Need:* To clarify permitted use of foreign railroad equipment. *Authority:* General. *Contact:* Michael Tomenga (202-566-5706). *Status:* Work Plan 79-18 under development.
Contiguous countries; manifest validation/§§ 123.41 and 123.42.	*Description:* Require truck driver carrying merchandise between U.S. and Canada to present manifest for validation by U.S. Customs at U.S. port of departure. *Need:* Jointly initiated by U.S. and Canadian Customs to prevent evasion of duty when merchandise re-enters U.S. from Canada on in-transit documentation. *Authority:* 19 U.S.C. 1553, 1554. *Contact:* J. Bradley Lund (200-566-5354). *Status:* NPRM published December 9, 1976 (41 FR 53810); new NPRM under development.
Copyright/Part 133	*Description:* Amendments to regulations relating to recordation of copyrights with Customs. *Need:* To implement provisions of Pub. L. 94-533, "Copyright Act of 1976". *Authority:* 17 U.S.C. 1603. *Contact:* Samuel Orandle (202-566-5765). *Status:* NPRM under joint development by Customs and Copyright Office.
Entry of merchandise; special permits for immediate delivery/Parts 141 and 142.	*Description:* Revise Consumption Entry (Customs Form 7501) to accommodate new entry procedures. *Need:* To implement provisions of Pub. L. 95-410, "Customs Procedural Reform and Simplification Act of 1978". *Authority:* 19 U.S.C. 1484. *Contact:* William Wagner (202-566-5307). *Status:* Request for comments on the proposed form published May 23, 1979 (44 FR 29916); comments under review at Customs.
Entry of merchandise/§ 141.89	*Description:* To revise the additional information required on entry of footwear. *Need:* To assist Customs in the appraisement and classification of imported footwear.

Part I—*Regulations Under Development—Continued*

Title/Citation (19 CFR—)	Summary
	Authority: 19 U.S.C. 1202, 1481, 1484. *Contact:* Linda Mays (202-566-8592). *Status:* NPRM published July 28, 1978 (43 FR 32819); after consideration of comments, a second NPRM under development.
Foreign-trade zones/§ 146.48	*Description:* Change of appraisement practice involving costs of processing and profit for certain merchandise produced in foreign-trade zones. *Need:* To encourage use of domestic labor and materials in foreign-trade zones. *Authority:* 19 U.S.C. 81h. *Contact:* Thomas Lobred (202-566-8181). *Status:* NPRM published May 21, 1979 (44 FR 29489); T.D. 80-87 published March 20, 1980 (45 FR 17976).
Trade fairs/§ 147.45	*Description:* Removal of trade fair merchandise from foreign-trade zones for consumption without permission of Foreign-Trade Zones Board. *Need:* Amendments required to implement provisions of Pub. L. 91-692. *Authority:* 19 U.S.C. 81h. *Contact:* William Rosoff (202-566-5856). *Status:* NPRM under development (consolidated with "Customs bonds, letter of credit", Part 113, above).
Registration of merchandise/§ 148.1	*Description:* New instructions for registration of personal effects taken abroad. *Need:* To ensure uniform registration procedures. *Authority:* 19 U.S.C. 1498. *Contact:* Joseph O'Gorman (202-566-8157) *Status:* Work Plan under development.
Personal declarations and exemptions/§ 148.73	*Description:* Execution of written baggage declarations by military personnel. *Need:* To conform Customs and DOD regulations. *Authority:* General. *Contact:* Donald Thompson (202-566-8164). *Status:* NPRM under development.
Examination of merchandise/§ 151.2	*Description:* Expand Accelerated Cargo Clearance and Entry Processing Test (ACCEPT), an automated selective merchandise examination system, to various ports of entry. *Need:* Facilitate movement of merchandise by fewer but more intensive examinations. *Authority:* 19 U.S.C. 1202, 1499. Contact: Michael Lanoue (202-566-5315). *Status:* Work Plan. 79-20 approved; NPRM in review at Treasury Department.
Appraisement of merchandise/Part 152	*Description:* Amendments required by new International Valuation Code agreed to in Multilateral Trade negotiations. *Need:* To implement Title II, Customs Valuation, of Pub. L. 96-39, "Trade Agreements Act of 1979." *Authority:* General. *Contact:* Thomas Lobred (202-566-8181). *Status:* Work Plan 79-26 approved; NPRM published March 31, 1980 (45 FR 20912); T.D. under development.
Recordkeeping, inspection, search, and seizure/§ 162.47	*Description:* Waiver of bond requirements by district director for individuals who show proof of inability to obtain bond. *Need:* Decisions of U.S. Courts of Appeals, *Wiren* v. *Eide*, 542 F. 2d 757 (9 Cir. 1976), and *Lee & Rich* v. *Thornton*, 538 F2d, 27 (2 Cir. 1976). *Authority:* General. *Contact:* Joseph Priddy (202-566-8332). *Status:* T.D. under development.

Part II—*Existing Regulations To Be Reviewed*

Bond/Part 18	*Description:* Transportation in bond and merchandise in transit. *Need:* To ensure consistency of format and style. *Contact:* James Seal (202-566-8237). *Status:* Customs review of draft completed; NPRM under development.
Finance/Part 24	*Description:* Customs financial and accounting procedure. *Need:* To ensure consistency of format and style. *Contact:* James Seal (202-566-8237). *Status:* Customs review of draft completed; NPRM under development.
Duties/Parts 10 and 54	*Description:* Articles conditionally free, subject to reduced rate, etc, and certain importations temporarily free of duty. *Need:* To ensure consistency of format and style. *Contact:* Jenny Johnson (202-566-8237). *Status:* Customs review of draft completed; NPRM under development.
Freedom of Information/Part 103	*Description:* Availability of Information. *Need:* To conform to amendments to Freedom of Information Act made by Pub. L. 93-502. *Contact:* Harold Loring (202-566-8237). *Status:* NPRM published August 20, 1979 (44 FR 48709); T.D. under development.
Drawback/Part 22	*Description:* Drawback. *Need:* To modernize procedures relating to claims for drawback. *Contact:* George Steuart (202-566-5761). *Status:* Customs review or draft completed; NPRM under development.

[FR Doc. 80-23214 Filed 7-31-80; 8:45 am]
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Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice No. 80-9]

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Semiannual agenda of regulations, significant and selected nonsignificant, under development and review.

SUMMARY: This semiannual agenda lists regulations that the Bureau of Alcohol, Tobacco and Firearms (ATF) will be developing and reviewing from August 1, 1980, through February 1, 1981. The purpose of the semiannual agenda is to give the public adequate notice of AFT regulatory activities.

FOR FURTHER INFORMATION CONTACT:

For general information about this semiannual agenda, contact Robert White.

For information about any particular item on the semiannual agenda, contact the individual listed in the second column, subheading "Contact," for that item.

Unless otherwise noted, the telephone number for all contact persons is: 202-566-7626 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Description

This semiannual agenda of regulations is divided into two parts. Part I lists all regulation projects concerned with the development of regulations which AFT has under consideration as of August 1, 1980. Part II lists, existing regulations which are being reviewed pursuant to Treasury Directive 50-04.F, paragraph 12. A table, which defines abbreviations used throughout this semiannual agenda, follows Part II. Part I and Part II are set up in columnar form and are composed of the following divisions:

1. Title/Citation

The first column states briefly the subject of the regulation and the affected part number of Title 27 of the Code of Federal Regulations.

2. Summary

The second column includes—

Description—A description of the proposed or final rule, or of the regulatory matter under consideration;

Need—A brief statement of why the regulation is needed;

Legal basis—The legal basis for the action being taken;

Contact—The name of the person to be contacted for additional information;

Status—The current or anticipated chronology of the development of the regulation, including any final action taken since the last semiannual agenda;

Priority—If the regulation project is assigned the letter "A", it is considered top priority, a "B" regulation project is considered high priority, and a "C" regulation project is considered regular.

Regulatory analysis—If a regulatory analysis is required for a regulation project, a statement to that effect will appear.

The next ATF semiannual agenda will be published in the **Federal Register** of Monday, February 2, 1981.

Issuance

By direction of the Secretary of the Treasury, this semiannual agenda of regulations reads as set forth below.

Signed: June 26, 1980.

G. R. Dickerson,

Director.

Part I—Regulations Under Development

Title/Citation	Summary
	ALCOHOL
50 ml Container for Wine (27 CFR 4.73).	*Description:* Adds a 50 ml (1.7 fluid ounce) size to the standards of fill for wine. [Rev.] *Need:* Some types of wine, especially sherry and port wines, have traditionally been produced in a miniature size for sale by airlines and railroads. Under current regulations, no sizes smaller than 100 ml may be used in the United States. *Legal basis:* 27 U.S.C. 205. *Contact:* Charles N. Bacon. *Status:* NPRM published March 17, 1980 (45 FR 17025); comment period ended May 16, 1980; comments are being evaluated. *Priority:* C.
Grape Brandy (27 CFR Part 5).....	*Description:* ATF will consider whether a standard of identity for "varietal grape brandy" should be added to the present labeling designations of "brandy" and "grape brandy". [Rev.] *Need:* Responds to a petition to permit the labeling and advertising of brandies as produced from specific varieties of grapes. *Legal basis:* 27 U.S.C. 205. *Contact:* Armida N. Stickney. *Status:* ANPRM published January 2, 1980 (45 FR 50); comment period ended June 2, 1980; comments are being evaluated. *Priority:* B.
Credit to Retailers in Arrears (27 CFR Part 6).	*Description:* ATF will consider what approach to take regarding repayment of indebtedness where producers/wholesalers have extended credit to retail liquor dealers in excess of the usual and customary credit period of 30 days. *Need:* Some wholesalers and producers have created "tied-houses" with retailers by advancing large amounts of credit for long periods of time. Revenue Ruling 54-162 does not adequately resolve this problem. *Legal basis:* 27 U.S.C. 205. *Contact:* Charles N. Bacon. *Status:* NPRM to be published in September 1980. *Priority:* A.
Prohibited Trade Practices under the FAA Act (27 CFR Parts 6, 8, 10, and 11).	*Description:* Cmplements the trade practice subsections, 5(a)-5(d), of the FAA Act. Regulations will specify practices which are prohibited by the FAA Act and will list exceptions to those prohibitions. [Rev.] *Need:* Provisions of the FAA Act have been implemented through letters, ATF Rulings, and circulars. A need exists to update, revise, and codify these rulings. *Legal basis:* 27 U.S.C. 205. *Contact:* Charles N. Bacon. *Status:* T.D. under development; publication targeted for September 1980. *Priority:* A.
Proposed Viticultural Areas (27 CFR Part 9).	*Description:* Each project would establish an American viticultural area for purposes of labeling and advertising of wine. [New] *Need:* Respond to petitions from industry members to establish viticultural areas. *Legal basis:* 27 U.S.C. 205. *Contact:* Tom Minton. *Status:* Refer to the list of projects which follows. *Priority:* A.
1. Augusta, Missouri.....	*Status:* T.D. published June 20, 1980 (45 FR 41632).
2. The Pinnacles, Napa Valley, California.	*Status:* Public hearing transcript under study. (Inquire contact person for further information on status.)
3. Los Carneros, North Coast, Santa Cruz, Santa Maria Valley, Sonoma Valley, California.	*Status:* NPRM under internal development; publication targeted for August 1980; public hearing for January 1981.
4. Lime Kiln Valley, Guenoc Valley, San Pasqual Valley, California; Fennville, Michigan.	*Status:* NPRM under internal development; publication targeted for September 1980; public hearing for February 1981.
Determination of Color in White Wine and Treatment of Sherry with Activated Carbon (27 CFR Part 240).	*Description:* ATF proposed to (1) replace the Lovibond Method with the Association of Official Analytical Chemists (AOAC) Method 11.B01-11.B02 for determining color in wine, (2) provide winemakers continuing authority to treat sherry with activated carbon in order to remove excess color, and (3) set a new limitation on the amount of activated carbon to remove excess coloring from sherry. [Rev.] *Need:* Regulatory changes may be necessary to accommodate technological advances. *Legal basis:* 26 U.S.C. 5382. *Contact:* Armida N. Stickney. *Status:* NPRM published July 10, 1979 (44 FR 40351); comment period closed September 10, 1979; T.D. publication targeted for October 1980. *Priority:* C.
Alcohol Fuels; Implementing a portion of the Crude Oil Windfall Profit Tax Act of 1980 (27 CFR Part 19).	*Description:* The new law vests the Secretary of the Treasury with authority to provide for the waiver of provisions of law and regulations for distilled spirits plants established solely to produce, process and store, and use or distribute distilled spirits exclusively for fuel use. [New and Rev.]

Part I—Regulations Under Development—Continued

Title/Citation	Summary
	Need: ATF issued temporary regulations, effective July 1, 1980, to implement the law. *Legal basis:* 26 U.S.C. 5181. *Contact:* John Jarowski. *Status:* Temporary T.D. with N. published June 20, 1980. (45 FR 41838). Comment period ends October 20, 1980. T.D. publication targeted for February 1981. *Priority:* A.
Regulations Implementing the Distilled Spirits Tax Revision Act of 1979 (27 CFR Parts 5, 13, 19, 170, 173, 194, 195, 196, 197, 200, 211, 212, 213, 231, 240, 250, 251, and 252).	*Description:* The Distilled Spirits Tax Revision Act of 1979 (1) eliminated the wine gallon method for imposing the distilled spirits tax, (2) eliminated the rectification tax, and (3) converted DSP/s from the former distilled spirits tax system to an all-in-bond tax system. [Rev.] *Need:* The Act was passed by Congress as a part of the Trade Agreements Act of 1979 and became effective on January 1, 1980. As a result, ATF issued temporary regulations. *Legal basis:* Statutory provisions are contained in 26 U.S.C. Chapter 51. *Contact:* Edward J. Sheehan. *Status:* Temporary T.D. with N. published December 11, 1979 (44 FR 71612, 44 FR 71613). Comment period on temporary regulations ends September 11, 1980. T.D. publication targeted for March 1981. However, pending legislation (H.R. 7171) to revert to the pre-1980 tax treatment of wine and flavors could delay issuance of the final rule. *Priority:* A.
Reporting Taxes Due to the Governments of Puerto Rico and the Virgin Islands (27 CFR Part 19).	*Description:* ATF proposes to move the reporting requirements for Puerto Rican and Virgin Islands spirits bottled at domestic distilled spirits plants from the point such spirits enter the processing account to the point of tax determination. This project requires active coordination with the insular governments and with other Federal agencies involved with the transfer of tax revenues. Their input will have a significant impact on any regulatory changes finally adopted. *Need:* This method for determining the taxes to be transferred to the treasuries of Puerto Rico and the Virgin Islands would more accurately match taxes transferred with actual revenues collected and would be consistent with the method followed prior to January 1, 1980. *Legal basis:* 27 U.S.C. 5555 and 26 U.S.C. 5207. *Contact:* John Jarowski. *Status:* Revision under internal development. *Priority:* A.
New Completely Denatured Alcohol Formula No. 20 (27 CFR Parts 211 and 212).	*Description:* Establishes a new completely denatured alcohol formula suitable for blending in motor fuels. [New] *Need:* A new completely denatured alcohol formula may be more suitable for blending with gasoline in the production of gasohol. *Legal basis:* 26 U.S.C. 5241. *Contact:* Norman P. Blake. *Status:* Temporary T.D. with N. published March 27, 1980 (45 FR 20420); comment period ended May 27, 1980; publication of T.D. targeted for August 1980. *Priority:* A.
Special Tax (27 CFR Parts 179, 194, 197, 245 250, 251, and 252).	*Description:* Implements adjustments in interest applicable to overpayments and underpayments of special tax, and conforms ATF regulations to changes made by the Internal Revenue Service on Form 11. [Rev.] *Need:* Regulations need to be revised to conform to Form 11, and to revise the interest rate statement. *Legal basis:* Pub. L. 93-625 and 26 U.S.C. 6621 and 7805. *Contact:* Steve Simon. *Status:* T.D. w/o N. published May 21, 1980 (45 FR 33978).
	PROCEDURES AND PRACTICES
Electronic Fund Transfers of Alcohol Excise Tax Payments (27 CFR Parts 19, 70, 170, 240, 245, and 270; 26 CFR Parts 301 and 601).	*Description:* This regulation project would modify the present system of collecting alcohol excise taxes by return. The proposed system would require that certain alcohol taxpayers make their payments via electronic fund transfer directly to financial institutions. [Rev.] *Need:* This project would implement the cash management recommendations resulting from the President's Reorganization Project. *Legal basis:* 26 U.S.C. 5061(a), 5703(b), and 7805. *Contact:* Armida N. Stickney or James A. Hunt. *Status:* NPRM published June 6, 1980 (45 FR 38258); comment period closes August 5, 1980. *Priority:* A. *Regulatory Analysis:* A draft regulatory analysis has been prepared.
ATF Procedural Rules (27 CFR Parts 70 and 71; 26 CFR Parts 301 and 601).	*Description:* Incorporates all of the procedural requirements which relate to ATF and which now appear in Internal Revenue Service Regulations, 26 CFR Parts 301 and 601, into ATF procedural regulations. [Rev.] *Need:* Eliminates a source of confusion and places all of the procedural regulations into Title 27: Alcohol, Tobacco Products and Firearms. *Legal basis:* 26 U.S.C. 7805. *Contact:* Steve Simon. *Status:* T.D. without N. under internal development; publication targeted for December 1980. *Priority:* B.
Appeal Procedure for Claims for Abatement, Remission or Refund of Excise Taxes (27 CFR Part 70).	*Description:* Establishes an appeal procedure whereby claims denied at the regional level may be appealed to the ATF Director. [New] *Need:* Current regulations do not provide an appeal process for a claimant who feels that a claim was unfairly denied by the regional regulatory administrator (except in the case of newly discovered information). *Legal basis:* 26 U.S.C. 7805. *Contact:* John Ference. *Status:* Target date for publication of NPRM is October 1980. *Priority:* A.
Disclosure of Tax Return Information (27 CFR Part 71).	*Description:* Proposed regulations would implement Title XIII of Pub. L. 94-455, relating to disclosure of tax return information. [New] *Need:* Due to changes made by Pub. L. 94-455, regulations may be needed to govern disclosure of tax return information. *Legal basis: 26 U.S.C. 6103.* *Contact:* Armida N. Stickney. *Status:* Currently under internal study and development. *Priority:* A.

Part I—Regulations Under Development—Continued

Title/Citation	Summary
	TOBACCO PRODUCTS
Records Requirement for Cigarette Distributors (27 CFR Part 296, Subpart F).	*Description:* Implements recordkeeping provisions of Pub. L. 95-575 in order to certail trafficking in contraband cigarettes. [New] *Need:* Records to trace the movement of cigarettes are essential to enforcement of this law. *Legal basis:* Pub. L. 95-578 (18 U.S.C. 2343). *Contact:* Tom Minton. *Status:* T.D. published July 21, 1980 (45 FR 48609). Effective date: September 19, 1980. *Priority:* A.
Tobacco Excise Tax Acceleration Project (27 CFR Parts 270, 275, and 285).	*Description:* This regulatory project would change the deferral and return periods for tobacco excise tax payments and would use electronic fund transfers for the payment of those excise taxes. [Rev.] *Need:* This project would implement the cash management recommendations resulting from the President's Reorganization Project. *Legal basis:* 26 U.S.C. 5061(a), 5703(b), and 7805. *Contact:* Armida N. Stickney or James A. Hunt. *Status:* NPRM published June 6, 1980 (45 FR 38271); comment period closes August 5, 1980. *Priority:* A. *Regulatory Analysis:* A draft regulatory analysis has been prepared.

Part II—Regulations Under Review

Title/Citation	Summary
	ALCOHOL
Wine; Standard of Identity for Cider (27 CFR Part 4).	*Description:* Liberalizes standard of identity for cider by permitting cider to be made from a mixture of apples and pears. [Rev.] *Need:* Responds to a petition from an industry member. *Legal basis:* 27 U.S.C. 205. *Contact:* Tom Minton. *Status:* ANPRM published January 15, 1980 (45 FR 2855); comment period ended March 17, 1980, comments under review. *Priority:* B.
Wine; Bottles per Shipping Case (27 CFR Part 4).	*Description:* Eliminates the regulatory requirement that wine be packed with a specified number of bottles per case. [Res.] *Need:* The requirement to pack a specified number of bottles per case has resulted in numerous requests for exemptions due to various reasons. These exemptions have proven to be an administrative burden on ATF, and have hindered industry. Elimination of this requirement would remove an unnecessary restriction. *Legal basis:* 27 U.S.C. 205. *Contact:* James A. Hunt. *Status:* Incorporated in the project to add a 50 ml size to the standards of fill for wine (See Part I).
Labeling of Wine (27 CFR Part 4)..	*Description:* Amends labeling regulations to make bulkpacked wine for consumers conform to same labeling rquirements as wine bottled in bottles. [Rev.] *Status:* This project is suspended due to manpower allocation to regulation projects with greater public impact.
Health Hazards Related to Alcoholic Consumption (27 CFR Parts 4, 5, and 7).	*Description:* To consider the need for health warning labels or alternate programs. [New] *Contact:* Michael Dressler at 202-566-7591. *Status:* A notice with invitation to comment was published February 26, 1980 (45 FR 12577). Under Pub. L. 96-180, a preliminary report on proposed Government actions was sent to the President and the Congress June 1, 1980. Under further study by the Treasury Department and the Health and Human Services Department.
Advertising of Wine, Distilled Spirits, and Malt Beverages (27 CFR Parts 4, 5, and 7).	*Description:* The advertising regulations under section 5(f) of the FAA Act are bring reviewed for updating and possible revision. [Rev.] *Need:* Regulatory changes may be necessary to accommodate social and technological advances. *Legal basis:* 27 U.S.C. 205. *Contact:* Roger Bowling. *Status:* ANPRM published on November 21, 1978 (43 FR 54266); NPRM under internal development; publication targeted for October 1980. *Priority:* A.
Partial Ingredient Labeling for Wine, Distilled Spirits, and Malt Beverages (27 CFR Parts 4, 5, and 7).	*Description:* A major revision of FAA labeling requirements for all domestic and imported alcoholic beverages would require that labels list essential components, colorings, flavorings, and preservatives or provide on the label an address from which this information can be obtained. [Rev.] *Need:* This proposal would assist consumers in identifying ingredients contained in alcoholic beverages. *Legal basis:* 27 U.S.C. 205. *Contact:* Norman P. Blake or Roger L. Bowling. *Status:* T.D. published June 13, 1980 (45 FR 40538); regulations effective October 14, 1980, with compliance mandatory January 1, 1983. *Priority:* A. *Regulatory Analysis:* A regulatory analysis has been prepared.
Distilled Spirits Liquor Bottles (27 CFR Parts 19, 173, 194, 250, and 251).	*Description:* Eliminates registration of liquor bottle manufacturers with ATF. Liquor bottle indicia requirement would be amended to read "Liquor Bottle" and transferred to Parts 19, 250, and 251. Simplifies procedures for approval by ATF of distinctive liquor bottles. [Res. & Rev.] *Need:* Contains substantive rules which have not been significantly revised in the preceding six years. *Legal basis:* 26 U.S.C. 5301 and 7805. *Contact:* Robert L. White. *Status:* NPRM currently under internal development; publication targeted for September 1980. *Priority:* B.

Part II—Regulations Under Review—Continued

Title/Citation	Summary
Bonding Requirements (27 CFR Part 211).	*Description:* Bond requirements would be eliminated. [Res.] *Need:* A study of bonding requirements and previous bond defaults has shown that it may be possible to eliminate bond requirements for some taxpayers without jeopardy to Federal revenues. *Legal basis:* 26 U.S.C. 5272. *Contact:* John Linthicum. *Status:* NPRM publication targeted for November 1980. *Priority:* B.
Elimination of Bonding Requirements for Experiment DSP/s (27 CFR 201.65).	*Description:* Reduces bonding requirements on certain experimental DSP/s producing alcohol for fuel use. [Rev.] *Status:* Project canceled due to new law and implementing regulations. (See Part I, Alcohol Fuels, 27 CFR Part 19.)
Formulas for Denatured Alcohol and Rum (27 CFR Part 212).	*Description:* This regulatory project will update, clarify, simplify, and reissue the regulations relating to formulas of denatured alcohol and rum. [Rev.] *Need:* Revision of 27 CFR Part 212 may be necessary to accommodate industry practices and changes in chemical terminology. *Legal basis:* 26 U.S.C. 5241. *Contact:* Steve Simon. *Status:* NPRM is under internal development; publication targeted for October 1980. *Priority:* C.
Wine; Recodification (27 CFR Parts 240, 231, and 170; Subpart Z).	*Description:* Updates, simplifies, and clarifies regulations relating to wine. Incorporates all regulations and outstanding ATF rulings relating to the production of wine into one CFR Part. [Rev.] *Need:* Present rules are at times redundant and confusing. *Legal basis:* 26 U.S.C. 7805. *Contact:* Tom Minton. *Status:* ANPRM published May 22, 1979 (44 FR 29691); Comment period for ANPRM extended until August 20, 1980. *Priority:* B.
Production of Beer (27 CFR Part 245).	*Description:* A reissuance of regulations relating to the production of beer. Requirements would be simplified, and technological advances will be incorporated into the regulations. [Rev.] *Need:* Contains substantive rules which have not been significantly revised in the preceding six years, and which are complex and may be simplified and clarified. *Legal basis:* 26 U.S.C. 5051-5056, 26 U.S.C. 5401-5417. *Contact:* Charles N. Bacon. *Status:* Revision under internal development; NPRM publication targeted for February 1981. *Priority:* B.
Export of Bulk Beer (27 CFR Parts 245 and 252).	*Description:* Allows the export of beer in bulk containers without payment of tax. [Res.] *Need:* Would eliminate an unnecessary burden on the brewing industry. *Legal basis:* 26 U.S.C. 5053. *Contact:* Charles N. Bacon. *Status:* NPRM under review within ATF. *Priority:* C.
Use of Alternatives to Strip Stamps by Non-domestic Bottlers and Importers (27 CFR Parts 250 and 251).	*Description:* Would allow for the use of alternative devices by foreign, Puerto Rican, and Virgin Islands bottlers of distilled spirits and by importers. [Rev.] *Need:* To extend to non-domestic bottlers and importers the same privilege to use alternative devices as domestic bottlers currently enjoy. *Legal basis:* 26 U.S.C. 5202, 5235, and 7805. *Contact:* Robert White. *Status:* NPRM under internal development; publication targeted for September 1980. *Priority:* C.
U.S. Customs Certification on Distilled Spirits from Puerto Rico (27 CFR Part 250).	*Description:* This regulation changes the Customs certification of distilled spirits entering the United States from Puerto Rico. [Rev.] *Need:* The U.S. Customs Service does not consider Puerto Rican distilled spirits as an import; therefore, it may be necessary to revised the certification procedures for spirits which are brought into the United States from Puerto Rico. *Legal basis:* 26 U.S.C. 7805. *Contact:* James A. Hunt. *Status:* NPRM under internal development; publication targeted for winter 1981 *Priority:* A.
Exportation of Wine, Distilled Spirits, and Malt Beverages (27 CFR Part 252.	*Description:* This regulatory project will update, clarify, simplify, and reissue the regulations relating to the exportation of wine, distilled spirits, and malt beverages. [Rev.] *Status:* This project is suspended due to manpower allocation to regulation projects with greater public impact.
Markings on Cases of Liquors for Export (27 CFR Part 252).	*Description:* Deletes the regulatory requirement to mark packages or cases of wine, beer, or distilled spirits for export with the words "Without Payment of Tax" or "Drawback Claimed". [Rev.] *Need:* The requirement to mark cases of distilled spirits, wine, or beer for export is burdensome to proprietors of DSP/s, vintners, and brewers; and this requirement does not serve to protect the revenue. *Legal basis:* 26 U.S.C. 5206, 5368, 5412. *Contact:* Charles N. Bacon. *Status:* Revision under internal development; NPRM publication targeted for September 1980. *Priority:* A.
	EXPLOSIVES
Amendments to Explosives Regulations (27 CFR Part 181).	*Description:* Proposed amendments include: (1) A lengthened renewal period for licenses and permits, (2) an amended inventory of explosives, (3) revision of recordkeeping and storage requirements, and (4) addition of new terms and revision of existing language. [Rev.] *Need:* The explosives regulations have not been significantly revised in the past six years. Many technological advances may have made these regulations obsolete. *Legal basis:* 18 U.S.C. 847. *Contact:* James A. Hunt. *Status:* Revision under development; NPRM targeted for September 1980. *Priority:* A.
	FIREARMS
Definition of "Engaged in the Business" (27 CFR Part 178).	*Description:* This regulation project attempts to define the term "engaged in the business". The law and regulations do not define this term. [Rev.]

Part II—Regulations Under Review—Continued

Title/Citation	Summary
	Need: Is the subject of criticism by the public and of request by the Congress for review. *Legal basis:* 18 U.S.C. 926. *Contact:* Robert White. *Status:* ANPRM published December 19, 1979 (44 FR 75186); comment period ended April 17, 1980; comments are being evaluated. *Priority:* A.
Sales of Firearms at Gun Shows (27 CFR Part 178).	*Description:* This regulation project would allow licensees to sell firearms at organized gun shows held in the same State as the licensee's premises. [Rev.] *Need:* Present regulations require licensees to conduct business only at the address shown on the license. ATF wishes to determine if licensees should be permitted to conduct business at gun shows. *Legal basis:* 18 U.S.C. 926. *Contact:* James A. Hunt *Status:* ANPRM published April 22, 1980 (45 FR 26982); comment period ended June 23, 1980; comments are being evaluated. *Priority:* A.
Suspension Procedures for Firearms Licenses and Explosives Licenses or Permits (27 CFR Parts 178 and 181).	*Description:* This regulation would allow ATF to suspend the license or permit of Federal firearms licensees or of explosives licensees or permittees. [Rev.] *Need:* When adverse administrative actions are taken against the holder of a Federal firearms license or explosives license or permit, current regulations provide only for the revocation of, or for the denial of an application for, the license or permit. ATF wishes to determine if suspension of the license or permit for a period of time should be used as an alternative adverse administrative action. *Legal basis:* 18 U.S.C. 847 and 926. *Contact:* Norman Blake. *Status:* ANPRM published May 20, 1980 (45 FR 33651); comment period ended July 21, 1980; comments are being evaluated. *Priority:* A
	TOBACCO PRODUCTS
Shipment of Tobacco Articles from Puerto Rico to the United States (27 CFR Part 275).	*Description:* Eliminates U.S. Customs Service involvement on shipment of Puerto Rican tobacco products to the United States. Eliminates direct ATF supervision of tobacco product shipments from Puerto Rico. [Res.] *Need:* Would eliminate administrative burden for government and industry. *Legal basis:* 26 U.S.C. 7651. *Contact:* John Linthicum. *Status:* Under internal development; NPRM targeted for March 1981. *Priority:* B.
Manufacturer's Identification on Tobacco Products Packages (27 CFR Parts 270, 290, and 295).	*Description:* Removes a regulatory requirement relating to labeling. Permits identification of the manufacturer of cigarettes or cigars by means of a code on the label. [Rev.] *Need:* Special permission for manufacturer identification by code has been approved for use on some labels in certain cases, and no jeopardy to the revenue has been experienced. Consequently, all manufacturers may be permitted to use this method, on condition that ATF be permitted to identify the codes to any member of the public making a request for such identification. *Legal basis:* 26 U.S.C. 5723. *Contact:* Steve Simon. *Status:* NPRM currently under internal development; publication targeted for September 1980. *Priority:* C.
Markings on Packages of Large Cigars (27 CFR Parts 270, 275, 290, and 295).	*Description:* Removes the requirement to mark the wholesale price on packages of large cigars. This requirement was added by Pub. L. 94-455. [Res.] *Need:* The requirement has not been invoked by those affected or by ATF for more than one year. *Legal basis:* Pub. L. 94-455 and 26 U.S.C. 7805. *Contact:* Steve Simon. *Status:* Publication of T.D. w/o N. targeted for September 1980. *Priority:* C.

Table of Abbreviations

Abbreviation	Meaning
ANPRM	Advance notice of proposed rulemaking.
ATF	Bureau of Alcohol, Tobacco and Firearms.
CFR	Code of Federal Regulations.
DSP	Distilled spirits plant.
FR	Federal Register.
FAA Act	Federal Alcohol Administration Act.
FDA	Food and Drug Administration.
New	New regulation is proposed.
NPRM	Notice of proposed rulemaking.
Pub. L.	Public Law.
Res.	Rescission of an existing regulation.
Rev.	Revision or amendment of an existing regulation.
T.D.	Treasury decision.
T.D. with N.	[Temporary] Treasury decision with notice.
T.D. w/o N.	Treasury decision without notice.
Treasury	Department of the Treasury.

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